

TERMINAL DISCLAIMER
To Obviate A
Provisional Double Patenting
Rejection Over A Pending
"Reference" Application

Application #	10/790,545
Confirmation #	5732
Filing Date	03/01/2004
First Inventor	HUNDLEY
Art Unit	1797
Examiner	Toomer, Cephia D.
Docket #	P09255US00/BAS

The owner, Joseph W. Hundley, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application No. 11/214,266, filed on August 29, 2005, as such term is defined in 35 USC 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of any patent granted on the **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on said pending **reference** application", in the event that any such granted patent on the pending **reference** application:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is made by:
- ☐ CREDIT CARD PAYMENT FORM - PTO-2038 submitted concurrently herewith.
- ☒ ELECTRONIC FUNDS TRANSFER - submitted concurrently herewith.

Date: February 6, 2009

Signed By  Name: B. Aaron Schulman
 Attorney of Record, Registration No.: 31,877

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